

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 223

January 26, 2021

SUMMARY OF BILL: Creates the *Juvenile Justice Stop Solitary Confinement Act*. Defines “solitary confinement” as the placement of an incarcerated person in a locked sleep room or cell alone with minimal or no contact with persons other than guards, juvenile facility staff, and attorneys.

Prohibits a juvenile offender in a juvenile detention facility that is approved, certified or licensed by the Department of Children’s Services (DCS) from being placed in solitary confinement unless the juvenile presents a serious security risk or an imminent threat to the safety of another and other less restrictive options have been attempted and exhausted, in which case the juvenile offender may be placed in solitary confinement for up to 22 hours.

If an administrative hearing is conducted after the initial 22-hour solitary confinement period and the juvenile offender is still found to present a serious security risk or imminent threat to the safety of another, then the juvenile offender may be ordered to solitary confinement for no more than seven additional days, at a maximum of 22 hours per day.

Requires the juvenile detention facility to provide a weekly report to the appropriate juvenile court judge of each juvenile offender placed in solitary confinement during the time period of the report. Requires the DCS to provide appropriate training, either through the DCS or by contract, to individuals employed by a juvenile detention facility in the treatment of juveniles.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Based on information provided by the DCS, juvenile detention centers are currently authorized to use seclusion with a juvenile offender when necessary to prevent imminent harm to themselves, another person, prevent damage to property, or prevent the youth from escaping and should exhaust other less restrictive techniques prior to placing a youth in seclusion.
- Pursuant to Tenn. Code Ann. § 37-1-102(b)(26), seclusion is the intentional, involuntary segregation of an individual from the rest of the resident population for the purposes of preventing harm by the youth to themselves or others; preventing harm to the youth by

others; aiding in de-escalation of violent behavior; or serving for clinically-defined reasons.

- Passage of the proposed legislation would authorize the use of solitary confinement of a juvenile offender in certain, limited circumstances.
- The use of seclusion and solitary confinement are similar interventions.
- Based on information provided by DCS, the Department will create and provide appropriate training material on the use of solitary confinement of a juvenile utilizing existing resources; therefore, any fiscal impact to state government is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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